

Bruce A. Marolf

Honorable Bruce A. Markell
United States Bankruptcy Judge



**Entered on Docket
October 12, 2012**

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OF NEVADA

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

IN RE:)
EXECUTIVE PLASTERING, INC.) CASE NO: 09-33776-bam
Debtor.) CHAPTER 7
) ORDER GRANTING MOTION FOR
) RELIEF FROM STAY
)
) Hearing Date: October 2, 2012
) Hearing Time: 1:30 p.m.

This matter having been heard on the 2nd day of October, 2012; the Court having reviewed and considered the Motion for Relief from Stay dated August 31, 2012, (“the Motion”) brought by PN II, INC. dba PULTE HOMES OF NEVADA (hereinafter “Pulte”) for an order, pursuant to 11 USC 362(d) of the Bankruptcy Code; appearances having been noted on the

1 record; arguments made by counsel; and with the findings of the Court having been made on the
2 record and incorporated herein;

3 And notice of the Motion having been provided to the Office of the United States Trustee
4 for the District of Nevada and other interested parties;

5 And it appearing that no other or further notice of the Motion need be provided;

6 And good and sufficient cause appearing therefor;

7 **IT IS HEREBY ORDERED** that the Motion to allow Movants to proceed against the
8 Debtor and its insurance carriers in the following cases for the purpose of establishing liability
9 against Debtor:

10 1. *Gregory and Carla Tiedeman v. PN II, Inc., dba Pulte Homes of Nevada.*

12 **IT IS FURTHER ORDERED** that relief from stay is subject to the following limits:

13 1. Movants waive their right to funds in the bankruptcy estate and look only to
14 insurance proceeds;

15 2. The Trustee has no obligation to assist in the defense of any such case
16 establishing liability against Executive Plastering, Inc., for the purpose of recovering associated
17 insurance proceeds;

18 3. Insurance carriers will not look to the bankruptcy estate to pay for costs of
19 defense; and

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4. Insurance carriers will defend in accordance with their policies of insurance.

Prepared and respectfully submitted by:

KOELLER NEBEKER CARLSON &
HALUCK, LLP

BY: /s/ Valerie Del Grosso, Esq.
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1 **CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021**

2 In accordance with Local Rule 9021, counsel submitting this document certifies as follows:

3 The court has waived the requirement of approval under [LR 9021](#).

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5 This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have
6 delivered a copy of this proposed order to all counsel who appeared at the hearing, any
7 unrepresented parties who appeared at the hearing, and each has approved or disapproved the
8 order, or failed to respond, as indicated below:

9

10 **No parties appeared or objected.**

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12 This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all
13 counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and
14 each has approved or disapproved the order, or failed to respond, as indicated:

15

16 I certify that I have served a copy of this order with the motion, and no parties appeared or
17 filed written objections.